

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Lyons Township High School District No. 204
DOCKET NO.: 01-21556.001-I-3 and 01-21556.002-I-3
PARCEL NO.: See below.

The parties of record before the Property Tax Appeal Board are Lyons Township High School District No. 204, the appellant, and the Cook County Board of Review.

The subject property consists of 10.094 acres, or 439,694 square feet, improved with three metal-clad industrial buildings 25+ years old along with a 40+-year-old office building. The industrial buildings contain a total of 19,678 square feet of building area and the office building contains 3,300 square feet of building area.

The appellant, through counsel, appeared before the Property Tax Appeal Board arguing that the fair market value of the subject was not accurately reflected in its assessed value. In support of that argument, an appraisal (Exhibit 1) and the supporting testimony of its author, Anthony J. Uzemack, was presented. Mr. Uzemack testified he has been an independent appraiser since 1978; and is a State of Illinois, State of Indiana and State of Michigan certified real estate appraiser. Uzemack also testified that he holds the Member of the Appraisal Institute (MAI) designation and is a facilitator and instructor of *Uniform Standards of Professional Appraisal Practice* (USPAP) both for the Appraisal Institute and the Appraisal Foundation in Washington, D.C. After further testimony regarding Uzemack's credentials, the witness was offered and accepted as an expert appraisal witness in the valuation of industrial property.

Appellant's counsel introduced an aerial photograph (Exhibit 2) into evidence. Mr. Uzemack identified the photograph as an aerial view of the subject property and the surrounding area which was secured from brokers currently listing the property for sale. The witness proceeded to explain that the subject property is located in an industrial area with excellent access to major interstate highways and key secondary roads. He also indicated

(Continued on Next Page)

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds an increase in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

<u>DOCKET NO.</u>	<u>PARCEL NO.</u>	<u>LAND</u>	<u>IMPR.</u>	<u>TOTAL</u>
01-21556.001-I-3	18-19-301-005-0000	\$507,802	\$ -0-	\$507,802
01-21556.002-I-3	18-19-301-004-0000	\$284,198	\$ -0-	\$284,198

Subject only to the State multiplier as applicable.

that the subject has exceptional visibility from at least three of these roadways.

Uzemack testified when preparing the appraisal, he made an on-site inspection of the facility. He also researched the subject's history, zoning and made other inquiries regarding details concerning the subject site and its improvements. The witness testified he performed additional research into the surrounding area's potential, uses, rentals, sales and similar properties. From the accumulated data, the witness testified, he concluded that the subject's highest and best use is as vacant land for redevelopment into industrial uses similar to adjacent properties. The hearing officer questioned the witness about the speculative nature of his conclusion of highest and best use for the subject. Uzemack indicated that time has borne out his conclusion of highest and best use as the property is and has been marketed for redevelopment. He also testified offers have been made and one is to be consummated at the end of 2007. Uzemack also noted this sale is at a substantially higher price than his estimated 2001 value.

The appraiser testified he considered all three approaches to value; the cost approach, the income approach, and the sales comparison approach. As the structures are of a more temporary nature and do not economically enhance the subject land, the cost approach was not utilized. During research for the income approach, the witness was unable to find lease information applicable to the subject; consequently he did not employ the income approach to value. As a result, the sales comparison approach was the preferred approach.

Six vacant land sales in the subject's general area were examined by the appraiser. The sale properties range in size from 1.3 acres to 6.9 acres with zoning somewhat similar to the subject. The sales occurred from October 1999 to April 2002 for prices ranging from \$311,500 to \$1,580,000, or from \$5.25 to \$7.96 per square foot of land area. Uzemack then adjusted the sales for time of sale, size, zoning, and other items pertaining specifically to the comparables. From the resultant data, the witness testified that the estimated adjusted unit value for the subject is \$5.00 per square foot of land area, or \$2,200,000, as of January 1, 2001. Based on the foregoing evidence and testimony, the appellant requested an increase of the subject's current assessment.

The board of review presented "Board of Review Notes on Appeal" wherein the subject's final assessment of \$324,998 was disclosed. The final assessment reflects a market value of \$902,772, when the Cook County Real Property Assessment Classification Ordinance level of assessments of 36% for Class 5b properties is applied. In addition, the board of review proffered *Comps* sale summary

sheets for five sales of industrial building sites (vacant land) located in the subject's general area. The properties range in size from 5.28 acres to 18 acres and were sold from April 1997 to January 2000. The properties sold for unadjusted sales prices of from \$2.92 to \$3.50 per square foot of land area.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of this appeal. The issue before the Property Tax Appeal Board is the subject's fair market value. Next, when overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 728 N.E.2d 1256 (2nd Dist. 2000). Having heard the testimony and considered the evidence; the Property Tax Appeal Board concludes that the appellant has satisfied this burden.

The Property Tax Appeal Board finds that in this appeal, the appellant presented a competent, experienced and articulate appraiser in support of its position. The appraiser demonstrated he was very familiar with the subject's market area and associated values. The appellant's witness testified thoroughly regarding his credentials, appraisal methodologies, and the validity of the data contained in the report. The Board finds that the comparable sales presented were reasonably adjusted. Therefore, the Board finds that Mr. Uzemack's estimated value of \$2,200,000, as of January 1, 2001, is a logical conclusion. The Board also finds that the board of review's documentation, while not supported by credible testimony, tends to support Uzemack's conclusion of value.

Therefore, based on the evidence and testimony, the Property Tax Appeal Board finds that the subject had a market value of \$2,200,000, as of January 1, 2001. The Property Tax Appeal Board further finds that the Cook County Real Property Assessment Classification Ordinance level of assessments of 36% for Class 5b properties shall apply and an increase of the subject's land assessment is warranted.

As a final point, consistent with the appraiser's conclusion of highest and best use and that the current improvements have no intrinsic value; the Property Tax Appeal Board finds that the fair market value found herein is applicable to the land only.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member

Member

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: February 29, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the

subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.